REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-21 in the application. In the present response, the Applicants have amended Claims 1, 3 and 5. No claims have been canceled or added. Accordingly, Claims 1-21 are currently pending in the application.

I.   Rejection of Claims 1, 3 and 5 under 35 U.S.C. §112

The Examiner has rejected Claims 1, 3 and 5 under 35 U.S.C. §112, second paragraph, for not particularly pointing out and distinctly claiming the subject matter which the Applicants regard as the invention. More specifically, there is an insufficient antecedent basis in Claims 1, 3 and 5. In response, the Applicants have amended Claims 1, 3 and 5 to correct the antecedent basis problem. Accordingly, the Applicants respectfully request the Examiner to withdraw the §112, second paragraph, rejection and allow issuance of Claims 1, 3 and 5.

II.   Rejection of Claims 1-21 under 35 U.S.C. §102

The Examiner has rejected Claims 1-21 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,363,319 to Hsu. The Applicants respectfully disagree.

Hsu is directed to selecting a route for a flow of data from a plurality of network paths. (*See* column 1, lines 42-43.) Hsu is not, however, directed to selecting open shortest path first (OSPF) aggregates such that a selected shortest path length between a particular source and destination subnets resulting from advertisement of a set of weighted aggregates approaches an actual shortest path length between the particular source and destination subnets irrespective of the advertisement as recited in independent Claims 1, 3 and 5. On the contrary, Hsu teaches selecting routes in

computer communication networks by determining cumulative costs of candidate paths using a biased cost function and selecting an optimal path based on a minimum cumulative costs. (*See* column 2, lines 50-54.) Thus, instead of being concerned with intelligently selecting OSPF aggregates, Hsu concentrates on determining a cost associated with a path and dynamically selecting the path with the lowest cost. (*See* column 2, lines 54-57.)

Additionally, Hsu does not teach selecting at least a subset of candidate OSPF aggregates such that a selected shortest path length between a particular source and destination subnets resulting from advertisement of a set of weighted aggregates approaches an actual shortest path length between the particular source and destination subnets irrespective of the advertisement. (*See* Claims 1, 3 and 5.) Instead, Hsu introduces a cost bias to the static OSPF cost metric that is advertised. This allows leaving the advertised cost in place and considers characteristics of the flow to be placed. (*See* column 5, lines 43-46 and column 6, lines 29-44.)

Thus, instead of intelligently selecting candidate OSPF aggregates, Hsu replaces the advertised cost with a biased cost and selects the path with the minimum cumulative biased cost. (*See* column 6, lines 56-67.) Hsu, therefore, does not select OSPF aggregates to be advertised including selecting candidate OSPF aggregates such that a selected shortest path length resulting from advertisement approaches the actual shortest path irrespective of the advertisement as claimed in the present invention. Accordingly, Hsu does not teach each and every element of independent Claims 1, 3 and 5 and Claims dependent thereon.

Regarding independent Claims 7, 12 and 17, Hsu also does not teach assigning weights to OSPF aggregates based on an average distance of subnets in an area for a particular border router (ABR) of the area. Hsu does provide a cost bias for links but this is not based on an average distance

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of subnets in the area for a particular ABR. (*See* column 6, lines 44-67.) Instead, the cost bias is dynamically calculated based on at least one flow attribute and a path attribute. (*See* Abstract.) Hsu therefore does not teach each and every element of independent Claims 7, 12 and 17.

Furthermore, Hsu does not employ a search heuristic to assign weights for OSPF aggregates as recited in independent Claims 10, 15 and 20. Instead, Hsu calculates a cost bias, replaces the static cost of a link with the cost bias and selects the path with the minimum cumulative biased cost. (*See* column 6, lines 29-65.) Thus, Hsu does not appear to employ a search heuristic and, more particularly, employ a search heuristic to assign weights to OSPF aggregates. Accordingly, Hsu does not teach each and every element of independent Claims 10, 15 and 20.

In summary, Hsu does not teach each and every element of independent Claims 1, 3, 5, 7, 10, 12, 15, 17 and 20. Thus, Hsu does not anticipate Claims 1, 3, 5, 7, 10, 12, 15, 17 and 20 and Claims dependent thereon. The Applicants, therefore, respectfully request the Examiner to withdraw the §102(b) rejection of Claims 1-21 and allow issuance thereof.

III.   Comment on Cited References

The Applicants reserve further review of the references cited but not relied upon if relied upon in the future.
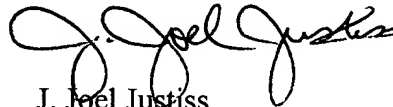
IV.   Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-21.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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